IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

TUESDAY, THE 27TH MARCH 2007 / 6TH CHAITHRA 1929

WP(C).No. 10521 of 2007(C)

PETITIONER:

T.G.PHILOMINA, MANAGER,
KERALA ARMED POLICE 3RD BATTALION,
ADOOR, PATHANAMTHITTA DISTRICT.

BY ADV. SRI.TOM K.THOMAS

RESPONDENTS:
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1. THE DIRECTOR GENERAL OF POLICE,
POLICE HEAD QUARTERS, THIRUVANANTHAPURAM.

2. BHANUMATHY, MANAGER,
RAILWAY, THIRUVANANTHAPURAM.

BY GOVT.PLEADER SRI.BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J

W.P.(C)NO. 10521 of 2007

Dated this the 27th day of March, 2007

JUDGMENT

The petitioner had approached this Court earlier, in order to redress her grievance in the matter of transfers and postings. It was contended that her claim for transfer to Thrissur from Pathanamthitta shall have to be considered by the departmental authorities. Directions were sought for in that respect. This Court, taking into consideration the facts pointed out by the petitioner also, expressed the view that the request made by the petitioner for transferring her to Thrissur is a matter for the consideration of the Director General of Police (respondent No.1) and that orders shall be passed on Ext.P4 representation filed by her within a time limit. In deference to the direction issued by this Court, the Director General of Police passed Ext.P6 order on 3.2.2007 informing the petitioner that as there was no open vacancy at Thrissur to grant the request at once, her request for

posting in the District Police Office, Thrissur will be considered as and when vacancy arises in Thrissur District. It was also stated that such consideration will be based on the norms to be followed for transfers and postings of ministerial employees in the Police Department as laid down in G.O.(MS)140/88/Home dtd.10.11.1988. The petitioner has now filed one more representation before the Director General of Police on 23.7.2007 pointing out a retirement vacancy going to arise at the end of this month. Immediately thereafter, she has filed this writ petition, for the issuance of a writ of mandamus directing the Director General of Police to transfer and post her at Thrissur.

2. I do not think that this Court will be justified in issuing such directions to the respondents whenever vacancies arise in a particular place. To put pressure on the respondents to see that the petitioner who has approached this Court is transferred and posted in a place of her choice is not the function of this Court. When the petitioner approached this Court with the grievance that the respondents may not consider her case at all, this Court directed the Head of the Department to take appropriate decision

on the representation filed by her. That is why, as mentioned above, Ext.P6 order was passed. Hence, it is not proper, once again, to direct the Head of the department to go on passing orders on each and every representation the petitioner may file, pointing out vacancies in the department. The statement contained in Ext.P6 that the petitioner's request for posting in the District Police Office, Thrissur will be considered as and when vacancy arises in the light of the norms laid down for transfers and postings, is sufficient guarantee for the petitioner to feel that her case will be fairly dealt with. Hence, I decline to grant the relief sought for. The writ petition is disposed of accordingly.

K.K.DENESAN, JUDGE

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